IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.34743-M of 2007

Date of Decision: 28.5.2007

Pooja Verma

....Petitioner.

Versus

State of Punjab and others.

...Respondents.

Present:- Mr.T.S.Sangha,Advocate
for the petitioner.

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S.S.SARON, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for directing the respondents No.1 to 3 to arrest the accused Amit Verma and to conclude the investigation in case FIR No.366 dated 7.12.2006, under Section 406,498-A, 506, 34 IPC registered at P.S.Jagraon, District Ludhiana, expeditiously .

Learned counsel for the petitioner has submitted that the above said FIR was registered on the complaint dated 2.4.2007 (Annexure P1) submitted by the petitioner to the SSP P.S.Jagraon, District Ludhiana. It is submitted that the accused made an application for grant of anticipatory bail which was dismissed by this Court on 20.3.2007. Thereafter, despite the fact that a period of two months has passed the respondents are not taking any steps either to arrest the accused or to conclude the investigation.

After hearing learned counsel for the petitioner and perusing the record, it is appropriate to note that the petitioner has made two fold

grievances i.e. the accused is not being arrested despite the fact that his application for pre-arrest bail has been rejected and the investigation is not being concluded expeditiously.

As regards the first grievance of the petitioner it may be noticed that the Supreme Court in M.C.Abraham and another Vs. State of Maharasthra and others 2003(1) RCR (Criminal) 452, has held that merely because an anticipatory bail is rejected by the Court, the Court cannot give further direction to the police to arrest the accused as it would amount to unjustified interference in investigation. It was observed that a person whose petition for grant of anticipatory bail has been rejected may or may not be arrested by the Investigating Officer, which is dependent upon the facts and circumstances of the case, nature of offences, the back ground of accused, the fact disclosed in the course of investigation and other relevant considerations.

The present case is one of a matrimonial dispute between the petitioner and the accused. It is for the Investigating Authorities to look into the case and take appropriate measure in accordance with law. This Court is normally not to interfere in the investigation specially when it is not shown that there has been improper investigation.

As regards other grievance of concluding investigation expeditiously it may be noticed that the Supreme Court in State of Haryana v.Bhajan Lal, AIR 1992 Supreme Court 604, has observed as follows:

> "The investigation of a cognizable offence is the field exclusively reserved for the police officers whose powers in that field are unfettered to long as the

power to investigate into the cognizable offences is legitimately exercised in strict compliance with the provisions falling under Chapter XII of the Code and the Courts are not justified in obliterating the track of investigation when the investigating agencies are well within their legal bounds as afore mentioned. Indeed, a noticeable feature of the scheme under Chapter XIV of the Code is that a Magistrate is kept in the picture at all stages of the police investigation but he is not authorised to interfere with the actual investigation or to direct the police how that investigation is to be conducted. But if a police officer transgresses the circumscribed limits and improperly and illegally exercises his investigatory powers in breach of any statutory provision causing serious prejudice to the personal liberty and also property of a citizen, then the Court on being approached by the person aggrieved for the redress of any grievance, has to consider the nature and extent of the breach and pass appropriate orders as may be called for without leaving the citizens to the mercy of police echelons since human dignity is a dear value of Constitution. It needs no emphasis that no one can demand absolute immunity even if he is wrong and claim unquestionable right and unlimited powers exercisable up to unfathomable cosmos. Any recognition of such power will be

tantamount to recognition of `Divine Power' which no authority on earth can enjoy."

A perusal of the above shows that the field of investigation is the sole domain of investigating authority and this Court is normally not to interfere. No material has been placed on record that the investigating authorities have transgressed the circumscribed limits of prescribed jurisdiction or have improperly conducted the investigation. Even otherwise the petitioner has a remedy of approaching the Illaqa Magistrate itself in case there has been any improper exercise of investigatory power by the police.

In the circumstances there is no merit in this petition and the same is accordingly dismissed.

(S.S.SARON)
JUDGE

May 28,2007
Reema